

**Remarks:**

1. Rejections.

Claims 1-15<sup>1</sup> stand rejected under 35 U.S.C. § 102(a), as allegedly anticipated by European Patent Application No. EP 1 285 791 A1 to Tsuboi et al. ("Tsuboi"). Applicants respectfully traverse.

2. Anticipation Rejections.

As noted above, claims 1-15 stand rejected under as allegedly anticipated by Tsuboi. "A claim is anticipated if and only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. . . . [Moreover, 't]he identical invention must be shown in as complete detail as is contained in the . . . claim.'" MPEP 2131 (emphasis added; citations omitted). Applicants respectfully traverse.

Pending claims 2, 4-6, and 11-24 depend, directly or indirectly, from a single independent claim, amended claim 1. As amended, claim 1 describes an air conditioning system for a vehicle comprising: (1) a hybrid compressor comprising a first compression mechanism driven by a drive source for driving the vehicle and a second compression mechanism driven by an electric motor; (2) means for selecting a drive source for the hybrid compressor and switching the drive source; (3) means for detecting a condition of a refrigeration cycle when the hybrid compressor is driven; and (4) means for estimating a power consumption of the hybrid compressor due to a selected drive source in response to a value detected by the means for detecting a condition of the refrigeration cycle. Moreover, when either the drive source for driving the vehicle or the electric motor is selected as the drive source for the compressor by the means for selecting a drive source, in response to the power consumption of the compressor due to the selected drive source, which is estimated by the means for estimating power consumption; a power consumption of the compressor due to a non-selected drive source for generating substantially the same level of a cooling ability as that due to said selected drive source, is estimated.

The Examiner alleges that each of these elements is disclosed in Tsuboi. In particular, Tsuboi allegedly discloses a hybrid compressor and means for selecting a drive source. Tsuboi, Paras. [0003] and [0004]. Moreover, Tsuboi allegedly discloses means for

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<sup>1</sup> As a result of the Preliminary Amendment filed July 8, 2004, claims 1-15 were pending in this application prior to these responsive amendments.

detecting a condition of a refrigeration cycle when the hybrid compressor is driven. *Id.* at Para. [0005], see also *Id.* at Para. [0022]. Tsuboi also allegedly discloses means for estimating a power consumption of the hybrid compressor due to a selected drive source in response to a value detected by the means for detecting a condition of the refrigeration cycle, when either the drive source for driving the vehicle or the electric motor is selected as the drive source for the compressor by the means for selecting a drive source. *Id.* at Para. [0007], see also *Id.* at Para. [0022]. Nevertheless, Applicants maintain that Tsuboi fails to disclose the elements of original claim 3, which now have been added to claim 1.

Tsuboi discloses a system in which the compressor drive source is switched by estimating the power values for the entire vehicle for each drive source and selecting the drive source with the lower power value. Tsuboi explains that:

[t]he object of [its] invention is to provide a vehicular air conditioning apparatus capable of performing a selection control of the compressor drive source that always minimizes the resultant compressor power consumption. The main controller of the vehicular air conditioning apparatus according to the present invention has means for estimating the compressor power consumption assuming both the case where the compressor is driven by the engine and where the compressor is driven by the electric motor, and comparing means for comparing the results of these estimations. Based on the decision of the comparison, the main controller connects to the compressor the less energy consuming drive source, thereby saving effectively the total power consumption of the entire vehicle.

Tsuboi, Para. [0007] (emphasis added). Thus, Tsuboi's system uses estimates of power consumption to determine which of the drive sources achieves a saving in total power consumption of the "entire vehicle." Unlike Tsuboi, however, Applicants' claim 1, as amended, describes a system in which estimate of the power consumption of the compressor are made for a selected drive source at a particular "level of a cooling ability" and for a non-selected drive source at that particular "level of a cooling ability." Appl'n, Paras. [0008] and [0065].<sup>2</sup> While the non-selected drive source may provide reduced "total power consumption" at some levels of cooling ability, the drive source is switched only when the reduction of total power consumption occurs at the particular "level of a cooling ability" achieved by the selected drive source. Therefore, because Tsuboi does not disclose this element of Applicants' claimed invention,

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<sup>2</sup> Citations to the application are identified by the paragraph numbers cite din Patent Publication No. US 2004/0221594 A1.

Applicants respectfully request that the Examiner withdraw the anticipation rejections to claims 1, 2, 4-6, and 11-14.

**Conclusion:**

Applicants respectfully submit that this application, as amended, is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that an interview with Applicants' representatives, either in person or by telephone, would expedite prosecution of this application, we would welcome such an opportunity.

Respectfully submitted,  
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